

HEBER CITY CORPORATION
75 North Main Street
Heber City, Utah
Planning Commission Meeting
Thursday, February 13, 2014

6:00 p.m.
Regular Meeting

Present: Planning Commission: Darryl Glissmeyer
David Richards
Harry Zane
Kieth Rawlings
Michael Thurber
Mark Webb
Stacie Ferguson

Absent: Clayton Vance

Staff Present: Planning Director Anthony Kohler
Planning Secretary Karen Tozier
City Engineer Bart Mumford

Others Present: Paul Berg, Todd Cates, Danny Labrum, Lyle Labrum, Nathan Nicholes, Rhett Griffeth, Austin Hicken, Axel Burt, Trevyn Brindley, Bob Erickson, Brian Balls, and Mayor Alan McDonald.

Chairman Rawlings convened the meeting at 6:05 p.m. with a quorum present and welcomed Stacie Ferguson as a new Planning Commission member. Commissioner Glissmeyer and Commissioner Webb were not present at the beginning of the meeting. The 11 year old Boy Scouts from the Trailblazer Patrol of Troup 1052 which is sponsored by Heber 11th Ward was recognized and welcomed.

Pledge of Allegiance: Commissioner Richards

Minutes: November 14, 2013, Regular Meeting (tabled from December 12, 2013)

Commissioner Thurber moved to approve the November 14, 2013 Regular Meeting Minutes. Chairman Rawlings seconded the motion. Voting Aye: Commissioners Zane, Thurber, Rawlings, Ferguson, and Richards. Voting Nay: None. The motion passed.

January 9, 2014, Regular Meeting

Commissioner Zane moved to approve the January 9, 2014 Regular Meeting Minutes. Commissioner Richards seconded the motion. Voting Aye: Commissioners Zane, Thurber, Rawlings, Ferguson, and Richards. Voting Nay: None. The motion passed.

Item 1 **Danny Labrum requests Commercial Concept Development Approval for Labrum Ford located at approximately 901 South Main Street**

REQUEST

The Petitioner is requesting approval of a new 2,800 square foot Ford Showroom and 13,099 square foot Ford Service Department addition at 901 South Main Street to the existing 12,500 square foot showroom and shop. The property is located within the C-2 Commercial Zone and contains an existing Chevrolet dealership. The proposed buildings will allow Labrum to combine their two dealerships, Chevrolet and Ford, into one location on the east side of Main Street.

The petitioner has acquired a lease from UCCU for the driveway entrance into UCCU, upon which a Ford sign is proposed. It is impossible to meet Section 103 of the Design Criteria, Building Setback, as the petitioner does not own the property in front of the building, and must allow the driveway access to remain for UCCU. Parking is adequate for the facilities, with an expansion area in the rear of the building.

DISCUSSION

Danny Labrum presented information. Danny and Lyle Labrum indicated FORD Motor Co. has requirements on the design of their dealerships and their design does not meet Heber City Design Criteria. They asked what they could do and whether they could use a special stone. They also indicated that if they go to the FORD Company with suggestions and not a motion with conditions that FORD will not commit to moving forward. Their time frame is to be entirely completed by June of 2015.

The Planning Commission discussed the following points:

- **DESIGN/MATERIALS:** There was much discussion and debate over design criteria and building materials because FORD Motor Co. has requirements on the design of their dealerships and their design does not meet Heber City design criteria; Ford's design is construction mainly of ASC paneling with a large portion of the south and west sides featuring glass windows while Heber City Design Criteria requires a minimum of 30% stone or brick materials on the vertical wall surface of the first floor and asks that extensive featureless surfaces such as metal panels be avoided.
 - design and building materials of the monument sign;
 - suggestion of a wainscot of natural stone and to see a rendering or alternatively stone on the north and east sides of the building and raised planters in front that have stone that match and the monument sign having stone that matches;
 - side that faces the street is the critical side;
 - The scale of the building is smaller than many buildings; refer to the scale of the building in the motion;
 - The design criteria does not refer to the front of the building;
 - The FORD service area will match the existing colors and have a little more detail, there are no doors on this side, the door is on the east side;

- **ENGINEERING:**
- Engineering topics discussed included relocating the overhead power to underground power; replacement of street lights, and fixing the narrow spot in the sidewalk along Main Street with this project. There were items Engineering still needed for the site plan such as storm drain, grease trap on the sewer lateral, to show all existing utilities and proposed services, and a plan showing parcels and proposed development with respect to the existing parcels;
- The Labrums are aware that the City's transportation plan designates 100 East as a connector in the future;
- Power line burial; power is not to be buried in the rear only (this is the east side).

Commissioner Glissmeyer arrived to the meeting at 6:54 p.m.

MOTION OF APPROVAL

Commissioner Richards moved that we approve the new FORD Dealership with the following conditions that 1) the north and east sides of the building (this is where stucco is shown on the plans) would meet the Heber City design criteria of the 30% of stone or brick as needed as well as that some type material would be used for planter boxes on the front side of the building which would be the west and the south, as well as the FORD monument sign off of Main Street. (On the south side of the building and on the FORD monument sign at the entrance of the building or the entrance of the property). And then on top of that we have just the normal approvals for the site, I don't know, I would be open for somebody else's verbiage on that. Okay, I'm sorry let me go back there. The lighting and the sidewalk would be upgraded to the Heber City standards and then all others and that there are going to be all of the site conditions would meet site approval as per Heber City Engineer.

At this point Commissioner Richards consulted the other Commissioners asking them what some of the other elements were that the motion should contain. Then he continued with his motion interspersed with Commissioners comments, The vacancy agreement was noted, that the Petitioner enter, and because the building is of a smaller scale, 3000 square feet, that is one of the reasons why we feel we would be lenient on it with the design criteria for the FORD look. Vacancy agreement, petitioner enters into a vacancy agreement for addition on the Chevrolet Dealership and the service area for the FORD service shop; the combined building of the Chevrolet Dealer and the service areas. Power line burial: with power not buried in the rear and referencing the Horrock's Engineering Report (and all of the requirements there). Commissioner Thurber seconded the motion. Chairman Rawlings indicated he was still a little uncomfortable with no design criteria on the front because metal surfaces are to be avoided. He would like to see something on the front of the building with rock.

Voting Aye: Commissioners Thurber, Ferguson, and Richards. Voting Nay: Commissioners Zane and Rawlings. Commissioner Glissmeyer abstained. The motion failed.

Mark Webb arrived to the meeting at 7:15 p.m. There was discussion on revisiting the verbiage in the design criteria relating to smaller buildings.

Because two Planning Commissioners had arrived to the meeting late there was brief explanation on previous discussion and Commissioner Richards resubmitted his motion.

Commissioner Richards moved, I would like to resubmit the motion as stated or has been typed by Mr. Kohler on the screen. What had been typed by Anthony Kohler on the screen as the Planning Commission had directed him is as follows:

Motion to approve the new FORD Dealership with the finding that since the intent of the design criteria is to reduce the perceived scale of buildings with materials and textures, the relatively small size of the building meets the design criteria with following conditions:

1. The north and east sides of the building would meet the 30% requirement for stone or brick, as well as that material would be used for planter boxes along the west and south sides of the building, and on the FORD monument sign at the entrance to the property.
2. The lighting and sidewalk be upgraded to the City standard.
3. All site conditions meet approval of the City Engineer, with power not buried in the rear.
4. Petitioner enter into vacancy agreement for addition on the Chevrolet/FORD shops.

Commissioner Thurber's second still stood. Voting Aye: Commissioners Thurber, Ferguson, Richards and Glissmeyer. Voting Nay: Commissioners Zane and Rawlings. Abstaining: Commissioner Webb. The motion passed.

Item 2 **Watts Enterprises requests Subdivision Final Approval for Ranch Landing Cottages Plat A located at 980 South 500 East**

REQUEST

The petitioner is requesting final approval for Phase 1 of the Ranch Landing Cottages, consisting of 18 single-family lots. The preliminary plan was approved by the Planning Commission on September 12, 2013. The Planning Commission asked for the right to farm clause to be placed on the plat and for fencing to be constructed along the subdivision boundary to protect the farm.

The property is zoned R-3 Residential. Each of the lots meets the minimum 6500 square foot area and 65 foot frontage requirements of the R-3 Zone. 500 East includes existing curb and sidewalk improvements.

The City Attorney indicates if the Right to Farm Notice is placed on the plat, the City will need its own Notice as shown below on the plat to define the city's role in enforcement of the Right to Farm Notice.

CITY NOTICE: “Said Notice is a condition proposed between the adjacent property owners and does not obligate the City in any way, including but not limited to enforcement. The City is simply allowing this Notice as part of the recording, but takes no position on the legitimacy or enforceability of said Notice.”

DISCUSSION

Paul Berg, the engineer for the project, indicated the main concerns on the plat had to do with the neighboring property owner, Connie Christensen. He indicated she has seen the fencing plan, the right to farm clause is on the plat, and they had discussed how the storm drain system works to prevent water drainage onto her farm.

The Planning Commission discussed the following points:

- Connie Christensen had not been made aware of the city attorney’s language;
- Paul Berg has addressed all the engineering report comments on the plat to Horrocks Engineers;
- The retention area stays as open space to meet requirements of the COSZ and will be maintained by Ranch Landing. Public water does go in the retention area from this subdivision. The north will also have public runoff but as part of the subdivision this will still be under the Ranch Landing Home Owners Association. Bart Mumford indicated they will put this in the subdivision agreement to make sure they know it is their responsibility.
- The utilities in respect to the phasing would be put in but stubbed until the second phase is developed.
- There was debate on whether fences should be allowed at the southern edge of the subdivision where the rear property line of the southern lots would adjoin the open space and trail element between Plat A and the Ranch Landing Condo Plat D. Paul Berg indicated the intent was to not have fences there. A suggestion was made to put a restriction on the plat to not have a fence. Bart Mumford indicated that putting a note on a plat is not enforceable; either by an HOA or the City; this is not supported by ordinance.
 - One suggestion was to ask the Home Owners Association for continuity of materials and colors on fencing. This could be included with the architectural guidelines for the subdivision.

MOTION OF APPROVAL

Commissioner Webb moved that we recommend final (subdivision) approval for Ranch Landing Cottages Plat A located at approximately 980 South and 500 East and that it be contingent with all staff and engineering codes and requirements. The motion would be contingent upon Staff recommendations 1-8 (from the staff report) and then also I’m including another one which would be for it to include continuity in the fencing within their architectural guidelines. Commissioner Thurber seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, Webb, Ferguson, and Richards. Voting Nay: none. The motion passed.

Staff Recommendation referenced in the motion is as follows: The proposed subdivision is consistent with Chapter 18.60 R-3 Residential Zone, Chapter 17.20.030 Final Plans, and Chapter 17.40 Improvements, conditional upon the following:

1. A street light be placed at each intersection consistent with engineering standards;
2. The developer install storm drain easement landscaping and be maintained in perpetuity by a Home Owner's Association;
3. Developer construct a 6 foot tall fence along rear property line of lots 15 through 18;
4. The plat show a legend for the designated PUEs and their widths;
5. If the Right to Farm Notice is shown on the Plat, the City Notice also be included on the plat;
6. The plat show a note prohibiting driveway access to 500 East as prohibited for Lots 14 and 15;
7. Provide an updated title report prior to recording the plat; and
8. Provide a tax clearance from county assessor prior to recording the plat.

Item 3 **Watts Enterprises requests Subdivision Final Approval for Ranch Landing Condos Plat D also referred to as the Ranch Landing Condo Plat located at 1045 South 500 East**

REQUEST

On December 2, 2010, Russ Watts petitioned to amend the Ranch Landing Plat by removing two future buildings from the plat. Mr. Watts is now requesting to re-record the original Condominium Plat for Building I, containing 12 units. The petitioner intends to construct the building this season, as the other buildings are at or near full occupancy. The required parking lot and utility stubs are already constructed to the building site.

DISCUSSION

Paul Berg explained that this was on the original plat A, that it was taken off the tax roll with the plat amendment and that they are now requesting to put this back on. All the infrastructure is in place, the parking is built and the utilities are there. Discussion that eventually the Planning Commission would see another plat with just one building. He indicated this was almost more of a taxing issue than planning and zoning.

MOTION OF APPROVAL

Commissioner Webb moved that we recommend final approval for Ranch Landing Condos Plat D also referred as Landing Condo Plat located at 1045 South 500 East and that it is consistent with Ranch Landing Master Plan and that it meet Chapter 18.22 Clustered Open Space Zone, and Chapter 18.60 R-3 Residential Zone and that it be conditional upon the following, items 1- 4 from the staff recommendations.

Staff Recommendations 1 – 4 are as follows:

1. Developer provide evidence prior to recording the plat that the new building will be included in the Ranch Landing Home Owner's Association and appropriate documents be recorded to accomplish such;
2. Architecture be consistent with prior Ranch Landing Phases;
3. Provide an updated title report prior to recording the plat; and
4. Provide a tax clearance from county assessor prior to recording the plat;

Commissioner Glissmeyer seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, Webb, Ferguson, and Richards. Voting Nay: none. The motion passed.

Item 4 **Red Ledges requests Subdivision Final Approval for Red Ledges Phase 1Q located in the Red Ledges Project in the vicinity of Red Knob Way. The main entrance to the Red Ledges Development is at 1851 East Center Street (Lake Creek Drive).**

REQUEST

Red Ledges is proposing Phase 1Q, consisting of 22 lots. Red Ledges is proposing to change the housing product from 5,500 square foot patio lots to 8,000 square foot + Traditional Lots. The Master Plan for Red Ledges had a loop with two cul-de-sacs, and the current proposal is to have just one cul-de-sac. The number of lots in this vicinity has decreased as a result. The cul-de-sac is at the maximum length of 1320 feet permitted by the County Code, as the City and County agreed the Red Ledges streets would meet the requirements of the County Code. The end two lots, Lot 216 and 217, have a shared driveway. Lot 216, 217, 224, 225, and 226 extend partially into platted open space, requiring a vacation of a portion of previously recorded Red Ledges Plats.

DISCUSSION

The Planning Commission discussed the following points:

- They were pleased with the subdivision having only one cul-de-sac instead of two; Todd Cates indicated their engineer is working with city engineering to make the slope of the cul-de-sac better;
- Cates explained the changes they had made to the plat which cut density down and decreased the number of cul-de-sacs.

MOTION OF APPROVAL

Commissioner Zane moved, I'd like to make a motion that we recommend approval for Red Ledges' request for Subdivision Final Approval for Red Ledges Plat 1Q located in the Red Ledges Project in the vicinity of Red Knob Way. The main entrance is at 1851 East Center Street (Lake Creek Drive) contingent upon they meet all the requirements of the staff and the city engineer and that they are consistent with the master plan, the pc planned community zone and all this other stuff under recommendations from 1-5. Commissioner Richards seconded the motion. Discussion that Commissioner Zane was referencing the staff recommendations 1-5. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, Webb, Ferguson, and Richards. Voting Nay: none. The motion passed. Staff Recommendation referenced in the motion is as follows:

RECOMMENDATION

The proposed Phase 1Q is consistent with the Red Ledges Master Plan, the PC Planned Community Zone, Interlocal Agreement, and Master Plan Agreement, conditional upon the following:

1. The City Council will need to vacate a portion of an adjoining plat for part of Lots 216, 217, 224, 225, and 226;
2. The plat shall make clear that the Home Owners Association shall maintain the shared drive between Lot 216 and 217;
3. Provide an updated title report prior to recording the plat;
4. Provide addresses for the lots on the plat; and
5. Provide a tax clearance from county assessor prior to recording the plat.

Item 5 **Report on Red Ledges Amenities and Phasing Plan**

BACKGROUND

Phasing has occurred differently than originally anticipated from the original Master Plan. The city has a Master Plan Agreement between Red Ledges and the City found in Book 943 page 118, recorded on June 19, 2007 in the County Recorder's Office. This agreement specifies certain amenities to be built in conjunction with different phases. Some of these amenities have been constructed earlier than anticipated such as the Lake Creek Trail.

Since the phasing numbers have been flexible, the City should instead consider utilizing the number of lots as the trigger for future amenities. Currently, 493 lots have been platted or are in process, which means that for amenity phasing, the development is pretty much on track with the Master Plan Agreement.

One deviation from the agreement is the trails through phase 1 and 2B have not been constructed. The equestrian eastern trail would dead connect to Lake Creek Road and dead end up the hill. And the western trail would not connect to a public road. Once 642 lots have been platted, the Bypass trail, Clubhouse, and waterline relocation will need to be constructed.

DISCUSSION

The Planning Commission discussed the following points:

- The phasing plan was viewed;
- According to lots platted Red Ledges is in currently in Phase 3; some amenities have been completed early.
- Red Ledges is building infrastructure now and does not want anyone to get injured while construction is taking place.

Item 6 **Discuss proposed amendment to the parking ordinance for retail, office, and restaurant uses in the C-3 Commercial Zone**

REQUEST

At the last meeting, the Planning Commission discussed the possibility of allowing some on-street angled parking to be included in the calculation for off-street parking. Part of the rationale in doing this is to promote property owners and developers in the downtown to construct angled parking because this usually results in twice the amount of available on-street parking versus parallel parking.

Section P. of the parking ordinance specifies that the typical 5 to 1,000 parking space ratio may be reduced to a 3 to 1,000 ratio in the downtown zone. The City might consider making the 3 to 1,000 ratio the standard retail, office, and restaurant parking ratio in the C-3 Zone and place it in a new section "V" as shown included below with the angled on-street parking provision. The additions are shown underlined and deletions as strike-out. Staff is asking for direction on the proposed amendment.

DISCUSSION

The Planning Commission discussed the following points:

- Anthony Kohler explained the concept of the downtown plan he is developing;
- This would change the ordinance to three per 1000 square feet of floor space and allows for ½ of angled on-street parking to credit towards the total for off-street parking;
- Future formation of a redevelopment district with a 30-35 year plan; form-based formula;
- TDRs would be transferred from the north fields into the city core;
- Commissioner Thurber suggested that parking for downtown be pursued aggressively;
- Various ideas were mentioned including economics, bulb areas add dimension; angled parking on 100 East and 100 West, a tree planting plan, raised planters; and that borders wide enough to sit on would be a deterrent to skate boarders.
- A public hearing will be set for March 13th on the proposed ordinance amendment.

Item 7 **Review of 2013 Planning Commission Actions**

The report was referenced briefly.

Administrative Items:

Mayor McDonald addressed the Planning Commission. He expressed his appreciation to each one of the Planning Commissioners and thanked them for the time they spend in service to the City. Their recommendations are seriously looked at and as the City Council looks at Planning Commission recommendations they sometimes wonder when and how they came to a conclusion. He indicated he was grateful for their depth of experience and knowledge and noted that he was here to build communication between the Council and the Planning Commission and asked them to feel free to email any of the Council Members or himself. The City Council will soon be talking about the sign ordinance, specifically temporary signs to begin with. The plan is to meet jointly in March to put their thoughts together. If there are

problems they will work to resolve them. Mayor McDonald also referenced the code of conflicts of interest, ethics, and conduct and urged the Commissioners to review this policy annually. He also invited the Commission to come to the meeting with the architects next Thursday for the public safety building around 7:30 or 8:00 p.m.

Numerous topics to look at in depth on upcoming agendas such as density and signs were discussed. Anthony Kohler asked for the Planning Commission's input on upcoming issues. Architecture and possible site plan of the proposed public safety building and the block it would be located on was discussed briefly. The building would be in a flood zone so as an emergency operation center a flood would be very bad and a basement would be more expensive. Commissioner Richards left the meeting at 9:04 p.m.

Commissioner Thurber asked for a petition for ipads for the Commission.

Commissioner Ferguson moved to adjourn the meeting. Commissioner Webb seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, Webb, and Ferguson. Voting Nay: none. The motion passed and the meeting adjourned at 9:15 p.m.